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Electronic Submission

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Portals II, Room TW-A325
Washington, DC 20554

Ex Parte Submission

**RE: AT&T Petition for Waiver of Lower 700 MHz Band Geographic Construction
Benchmarks for Alaska B-Block License WQIZ358, WT Docket No. 16-335**

Dear Ms. Dortch:

On January 3, 2017, the Rural Wireless Association (“RWA”) filed comments in WT Docket No. 16-402 opposing a request by Alaska Wireless Network, LLC (“AWN”) for waiver of the geographic-based interim and final construction benchmarks for the Alaska-wide Lower 700 MHz A-Block license WQJU656 in favor of population-based benchmarks. In its comments, RWA also expresses opposition to AT&T’s Petition for Waiver pertaining to Alaska Lower 700 MHz B-Block license WQIZ358 that is at issue in this docket.

RWA’s opposition to AT&T’s Petition for Waiver does not warrant consideration. As RWA admits, it did not oppose AT&T’s Petition in this docket within the comment cycle set by the Commission for doing so in October 2016, instead waiting until AWN’s request in WT Docket No. 16-402 to express any concerns. RWA also fails to address the specifics of AT&T’s Petition. Instead, RWA attempts to bootstrap its objections to AWN’s Petition into this docket, claiming that “the same justifications exist for denying the AT&T Waiver as exist for denying the [AWN] Waiver” and “[AWN] and AT&T are similarly situated.”¹ These statements are inaccurate. AT&T did not recently acquire WQIZ358, already provides coverage and offers service over more than 70% of the population of CMA315,² and has been limited in its ability to further expand service to small villages, communities, and other low population density rural

¹ Comments of The Rural Wireless Association, Inc., WT Docket No. 16-402, WT Docket No. 16-335, at 2 note 4 (filed Jan. 3, 2016).

² AT&T’s Notice of Construction, Application File No. 0007602932 (filed Dec. 27, 2016).

areas by the lack of effective backhaul.³ Thus, the primary thrust of RWA's argument simply does not apply to AT&T's Petition.

Moreover, RWA's suggestion that grant of AT&T's Petition would undermine rural network deployment does not withstand scrutiny. In reality, most Alaska counties, and all counties in CMA315, are rural.⁴ Thus, AT&T's current coverage of over 70% of the population of CMA315 and AT&T's and AWN's commitments to provide at least 80% population-based coverage over their respective licensed areas actively promote rural deployment. RWA's assumption that another entity would step in to cover these areas in the short term is misplaced, as evidenced by the Commission's experience in the 850 MHz cellular service.⁵ For this reason, AT&T continues to support AWN's Petition.

In this docket, AT&T has demonstrated that the unique conditions associated with its Lower 700 MHz B-Block network deployment in CMA315 justify grant of a waiver and that application of the geographic-based construction benchmarks under those conditions would be inequitable, against the public interest, and frustrate the purpose of the build-out rules. The Commission should grant AT&T's Petition forthwith.

In accordance with section 1.1206(b)(2) of the Commission's rules, this letter is being filed electronically with your office. Please feel free to contact me if you have any questions.

Sincerely,

cc: Suzanne Tetreault
Roger Noel
Richard Arsenault
Linda Chang
Amanda Huetinck
Anna Gentry

³ Backhaul options in Alaska are expected to improve over time. *See* <http://qexpressnet.com/system/> (last visited Jan. 8, 2017).

⁴ Facilitating the Provision of Spectrum-Based Services to Rural Areas and Promoting Opportunities for Rural Telephone Companies To Provide Spectrum-Based Services et al., *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 02-381, WT Docket No. 01-14, WT Docket No. 03-202, 19 FCC Rcd 19078, 19081 (2004) ("Counties with a population density of 100 persons per square mile or less constitute "rural areas" for purposes of our wireless spectrum policies.")

⁵ *See* AT&T Petition for Waiver, WT Docket No. 16-335 at 6 (filed Oct. 11, 2016).